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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

INTRODUCTION

1. This is the first of a series of periodic reports that I intend to submit to the Security Council concerning the activities of the Electoral Division until the elections scheduled for 20 March 1994 are held.

2. The installation of the Electoral Division of the United Nations Observer Mission in El Salvador (ONUSAL) is practically completed. In the initial stage, the Division's chief task is to verify the registration of citizens on the electoral rolls and to observe the political activities of the period preceding the electoral campaign, as was explained in my earlier report dated 21 May 1993 (S/25812). This stage will extend until the beginning of December 1993 when the time-limit for applying to register on the electoral rolls will have expired. Electoral observers have been stationed in all the regional offices of the Mission and by the end of October the Division is expected to have its full complement of electoral officials.

I. THE PRE-ELECTORAL FRAMEWORK

3. The institutional framework in which the electoral process will go forward has already been established. On 20 March 1994 four elections will be held simultaneously: elections for President, with a second round within the ensuing 30 days if no candidate has obtained an absolute majority in the first round; parliamentary elections for the 84 seats in the National Assembly on the basis of proportional representation; municipal elections in 262 mayoral districts on the basis of a simple majority (the party obtaining the most votes will win the office of mayor and all the posts in the municipal corporation); and for the Central American Parliament, treated as a single national district, for which 20 deputies will be elected on the basis of proportional representation.

4. The Supreme Electoral Tribunal has already set up offices in all the departments and municipalities of the country. The Electoral Law calls for a Board of Vigilance consisting of representatives of all the political parties, with authority to supervise the work of all Supreme Electoral Tribunal offices. Although it has already been established, it has not yet been allocated all the resources necessary for the effective exercise of its functions. For its part,

the Supreme Electoral Tribunal is also seriously lacking in the funds necessary for its operations. Although the Supreme Electoral Tribunal budget and the external aid provided are sufficient to finance the activities proposed for that purpose, most of those funds have not yet been disbursed. Among the main reasons for that delay is the slowness on the part of the Supreme Electoral Tribunal in taking operational decisions.

5. Twelve political parties will be competing in the forthcoming elections. For the first time the Frente Farabundo Martí para la Liberación Nacional (FMLN) is participating. Most of the parties registered enjoy parliamentary representation in the present National Assembly: the Alianza Republicana Nacionalista (ARENA) now represented in the government with 39 seats; the Partido Demócrata Cristiano (PDC), with 26 seats; the Partido de Conciliación Nacional (PCN), with 9 seats; the three parties of the old coalition, Democratic Convergence (Movimiento Nacional Revolucionario (MNR), Movimiento Popular Social Cristiano (MPSC) and Partido Social Demócrata (PSD)), with 8 seats; Movimiento Auténtico Cristiano (MAC), with 1 seat; Unión Democrática Nacionalista (UDN) with 1 seat. Among the parties not represented in the present Assembly the following will be competing in the elections: Movimiento de Solidaridad Nacional (MSN); Pueblo Libre (PL) and Movimiento de Unidad (MU). In mid-September the MPSC, PSD and UDN parties announced their intention to constitute a single fusion party which would again use the name Democratic Convergence.

6. Thus far five candidates have announced for the office of President: Armando Calderón Sol for ARENA; Fidel Chávez Mena for PDC; Rubén Zamora for FMLN, MPSC, PSD and UDN; Víctor Manuel Valle for MNR and Edgardo Rodríguez for MSN. PCN had announced General Rafael Bustillo as its candidate for President, but on 1 September the General renounced his candidacy as well as his membership in the party.

7. The exercise of freedom of expression and of the press is satisfactorily regulated by the laws now in force. There is a communications network, mainly in private hands, expressing a diversity of views and with sufficient technical coverage for the effective exercise of that freedom. The radio is the medium with the widest coverage. There are 85 radio stations, 73 of them commercial, 2 State-operated, 1 of the Armed Forces of El Salvador, 7 religious and 2 FMLN. There are six television channels, only one of which, channel 10, is State operated. The Salvadorian Telecorporation, owned by the man who inaugurated television in El Salvador in 1956, includes channels 2, 4 and 6. Channels 12 and 21, which are also privately owned, have been operating since 1984 and March of 1993 respectively.

8. Access of political parties to the media is regulated by the Electoral Law. The parties are entitled to disseminate electoral propaganda in all the media. The latter are under obligation to keep the Supreme Electoral Tribunal informed about the normal rates for their services, which should apply to electoral propaganda. Private communication enterprises are obligated to provide services to all parties on an equal basis and cannot claim the conclusion of prior contracts or payment of instalment, as excuses for failure to comply with the equal treatment rule. The space and time allotted for electoral propaganda should be programmed according to the rules of the Supreme Electoral Tribunal,

in coordination with the Board of Vigilance and the National Secretariat for Communications.

II. THE SITUATION OF THE ELECTORAL ROLES

9. Problems relating to voter registration continue to be a major concern although there has been a significant improvement in recent weeks. More than 100,000 requests for registration have been received in the first 21 days of September. This is a significant increase over the 40,000 requests received in August or the 10,000 received in July. Several opposition parties and some international aid agencies have criticized the efficiency of the registration operation, attributing it to possible lack of political will on the part of the Supreme Electoral Tribunal. Despite persisting difficulties, which will have to be overcome if the target of an adequate electoral roll is to be achieved, ONUSAL, for its part, has been able to verify improvements in the operational situation.

10. My previous report drew attention to some serious deficiencies in the electoral rolls, some of which still persist. First of all, there are a large number of citizens who have not yet been registered or who do not yet have an electoral card. According to a study conducted by the United Nations Development Programme (UNDP)/ONUSAL, 27 per cent of Salvadorians of voting age - some 700,000 people - do not have an electoral card. Failure to register is commonest in those departments which experienced the highest levels of armed conflict in the past. Nevertheless, the failure to register would appear to be due more to lethargy on the part of the citizens and technical inefficiency on the part of the Supreme Electoral Tribunal than to a deliberate effort to exclude certain sectors of the population for political reasons. There are numerous problems which limit the possibility of achieving a high percentage of registration.

11. First of all, as voter registration is voluntary in El Salvador it would be too much to expect that all potential voters would register. Added to this is the complexity of the system and the serious difficulties in the registration process. The starting-point in this process is presentation of a request for registration by the voter, who must return a month later to collect his electoral card. If the information on the request tallies with that on the birth certificate stored in the registry files, the card will be ready. However, responsibility for sending the birth certificates to the registry lies with the mayoral offices and some offices tend to send them late or not at all. Often, upon going to collect his card a person discovers that the request has not been validated, and it is quite common not even to be given any explanation. This problem must be remedied in the next few weeks in order to avoid a situation such as that which occurred in 1991, when thousands of citizens were not duly registered even though their requests for inclusion in the register had been submitted in time and in the proper form. For that reason appeals to the citizenry to come forward and register must necessarily be accompanied by an improvement in the mechanism for the issuance of electoral cards. One ground for concern, in this connection, is the fact that in recent weeks whereas the number of requests for registration has risen considerably, the number of cards issued has remained fairly constant.

12. Another problem which affects the registration process is the large number of names corresponding to people who are abroad or who are deceased and the inadequacy of controls to avoid double registration. Both factors make it easy for a person to register more than once. The availability of larger capacity equipment will enable the Supreme Electoral Tribunal to check double registrations nationwide. There is little that can be done, for the time being, about the registration of persons who are deceased, given the deficiencies of the information available to the Supreme Electoral Tribunal. Nevertheless, it will be possible to prevent anyone from voting twice by proper use of indelible ink.

13. Another persisting problem relates to discrepancies between the names included in the electoral rolls and those on the electoral cards. There are also cases of people with valid cards but whose names do not appear in the register at the polling station at which they are to vote. Although the magnitude of these problems is not clear, it may be considerable, judging from the number of complaints concerning citizens who were unable to exercise their right to vote in the legislative and municipal elections of 1991. The difficulty can be minimized by improving the card issuance process and by periodically providing parties and citizens with lists of registered voters in order to check that the information on a card tallies with that on a register.

14. In addition, it should be pointed out that there are serious deficiencies with regard to the training of Supreme Electoral Tribunal personnel; limited transportation for transporting the mobile registration teams and shortcomings in the public information campaign. The search for solutions has not been facilitated by the manner in which the Tribunal takes decisions (a vote by four of the five members is needed even on matters of limited political consequence). This system is unlikely to change in the short term. Accordingly, only an awareness of the difficulties that this creates and the noble aims of the members can facilitate achievement of the necessary consensus among members of the Tribunal. Given that the Tribunal's political legitimacy derives from its technical effectiveness and the impartiality of its decisions, whether the elections are viewed as free and fair by all contending parties will depend greatly on the manner in which the registration process is conducted. The main danger is that if, owing to a failure to resolve the technical problems, the Supreme Electoral Tribunal ceases to be regarded as legitimate, this will taint the entire electoral process. For that reason it is vital that the authorities, the parties and other external institutions which are supporting the electoral process in El Salvador should collaborate and coordinate their activities with a realistic vision and should make constructive criticisms which will facilitate the task of drawing up the electoral rolls.

15. Finally, it should be recalled that voter registration is a principal element in shaping the political atmosphere. If properly carried out it will benefit the entire political process and will facilitate the development of a favourable context for the forthcoming electoral campaign.